

INGLEWOOD UNIFIED SCHOOL DISTRICT  
Inglewood, California

March 6, 2019

STAFF REPORT

ICEF INGLEWOOD MIDDLE CHARTER ACADEMY  
CHARTER PETITION RENEWAL

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**I. INTRODUCTION**

Inner City Education Foundation ("ICEF") Inglewood Middle Charter Academy ("IIMCA" or "Charter School") currently operates a charter school serving pupils in grades six (6) through eight (8) under the oversight authority of the Inglewood Unified School District ("District"). The Charter School's current term will expire on June 30, 2019. Pursuant to Education Code section 47607, subdivision (a), IIMCA submitted a renewal petition ("Petition") to the District's State Administrator seeking to renew its charter for an additional five (5) year term for the period of July 1, 2019 to June 30, 2024.<sup>1/</sup>

The State Administrator formally received the Petition at a regular meeting of the Board of Education ("Board") on January 16, 2019. Pursuant to Education Code section 47605, subdivision (b), the Board held a public hearing on February 20, 2019, to consider the level of support for the Petition from District teachers, employees, and parents. Representatives from the Charter School and other individuals submitted public comments during the hearing.

The State Administrator must approve or deny the Petition within sixty (60) days of its receipt. (Cal. Code Regs., tit. 5, § 11966.4(c) ("5 C.C.R.")). Accordingly, the State Administrator must act on whether to grant or deny the Petition at the Board meeting on March 6, 2019. If the State Administrator grants the Petition, the Charter School will continue to operate as a legal entity under the chartering authority and oversight of the District. If the State Administrator denies the Petition, the Charter School may request a renewal from the Los Angeles County Office of Education. (5 C.C.R. § 11966.5(a).)

District staff, in collaboration with legal counsel, conducted a comprehensive review of the Petition. In accordance with law, increases in pupil academic achievement for all groups of pupils served by Charter School was considered as the most important factor in its analysis of the Petition. Based on its analysis, District staff found that the Charter School does not meet the statutory eligibility criteria to receive a charter renewal. Specifically, under Education Code section 47607, subdivision (b), the Charter School did not demonstrate that its academic performance is at least equal to the performance of the District schools that its pupils would otherwise have been required to attend, as well as the performance of District schools, which precludes the District from granting renewal because adequate academic performance is a legal prerequisite for renewal and the best interests of students would not

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<sup>1/</sup> The District is currently under the authority of a State Administrator appointed by the California Superintendent of Public Instruction, and therefore has assumed all legal rights, duties, and powers of the District's Board of Education, in accordance with Education Code section 41326.

be served by ignoring the Charter School's inability to provide a successful educational program.

District staff also found that the Charter School is demonstrably unlikely to successfully implement the program described in the Petition, which would risk the educational well-being of students enrolled in its program. The Charter School also failed to comprehensively describe all required elements of its program in the Petition, including new charter requirements enacted into law after the Charter School's last renewal, which is critical to the District's ability to provide meaningful oversight. Furthermore, the Petition's plan for academic improvement lacks specificity and is inadequate, and thus the Petition does not adequately describe how the Charter School will ensure future academic success.

Accordingly, as further detailed below, District staff recommends denial of the Petition as staff is not satisfied that renewing the charter is consistent with the requirements for academic performance and sound educational practice.

## **II. STANDARD OF REVIEW FOR RENEWAL PETITION**

Charter renewals are governed by the same standards and criteria set forth in Education Code section 47605 that are evaluated upon the submission of an initial charter petition. (Ed. Code, § 47607(a)(2).) Education Code section 47605, subdivision (b), provides that the chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged. As such, a school district shall grant a charter for the operation of a school if it is satisfied that granting the charter is consistent with sound educational practice. Review and analysis of a charter petition may be guided by the regulations promulgated for the State Board of Education's ("SBE") evaluation of charter petitions set forth at Title 5, Division 1, Chapter 11, and Subchapter 19 of the California Code of Regulations ("Regulations").

When evaluating a renewal petition, the authorizer must consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to grant the charter renewal. (Ed. Code, § 47607(a)(3)(A).) To be eligible for renewal, the charter school must submit, with its renewal petition, documentation that it meets at least one of the criteria specified under Education Code section 47607, subdivision (b):

(1) [Superseded by Education Code section 52052(f)]<sup>2/</sup>

(2) [Superseded by Education Code section 52052(f)]

(3) [Superseded by Education Code section 52052(f)]

(4) (A) The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in

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<sup>2/</sup> The Academic Performance Index ("API") is no longer relevant to charter school renewals because the data is outdated and would not tie renewal factors to current performance indicators. Instead, "alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among numerically significant pupil subgroups shall be used" for purposes of paragraphs (1) to (3) of Education Code section 47607, subdivision (b). (Ed. Code, § 52052(f).)

which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.

(5) Qualified for an alternative accountability system pursuant to subdivision (h) of Section 52052.

Additionally, the renewal petition must provide a reasonably comprehensive description of all new charter school requirements enacted into law since the charter was granted or last renewed. (Ed. Code, § 47607(a)(2).)

In addition considering pupil academic performance, the authorizer "shall consider the past performance of the school's academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement if any." (5 C.C.R. § 11966.4(b).) Renewal may only be denied if the authorizer makes written factual findings supporting one of the grounds for denial in Education Code section 47605, subdivision (b),<sup>3/</sup> or that the charter school failed to meet one of the criteria in Education Code section 47607, subdivision (b). (*Ibid.*)

### **III. RECOMMENDATION**

Based upon a comprehensive review and analysis of the Petition by District staff, in collaboration with legal counsel, denial of the Petition is recommended because staff is not satisfied that granting the Petition is consistent with sound educational practice. Findings with respect to the primary deficiencies are set forth in Section IV, below. This Staff Report contains analysis of the Petition, and the written factual findings supporting the recommendation. Denial of the Petition is recommended on the following grounds:

- **The Charter School fails to meet renewal eligibility criteria in Education Code section 47607, subdivision (b);**
- **The Charter School is demonstrably unlikely to successfully implement the program presented in the Petition; and**
- **The Petition fails to provide a reasonably comprehensive description of all required elements of a charter petition.**

Factual findings regarding the most significant deficiencies are described below. This Staff Report does not exhaustively list every concern, and focuses on those believed to most greatly impact the State Administrator's decision on whether to grant the Petition. Should the State Administrator take action to deny the Petition, she may adopt this Staff Report as the written factual findings required to support the denial of the Petition.

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<sup>3/</sup> Education Code section 47605, subdivision (b) provides that a charter petition may be denied where: (1) The charter school presents an unsound educational program for pupils to be enrolled in the charter school. (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. (3) [Does not apply to charter renewals]. (4) The petition does not contain an affirmation of each of the conditions described in [Education Code section 47605(d)]. (5) The petition does not contain reasonably comprehensive description of all [required charter elements]. (6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of [the Educational Employment Relations Act].

#### IV. **FINDINGS**

Review and analysis of the Petition resulted in the following findings:

##### **A. IIMCA Fails To Meet The Eligibility Criteria For Renewal (Ed. Code, § 47607(b).)**

To be eligible for renewal, a charter school must submit with its renewal petition documentation that it meets at least one of the criteria specified in Education Code section 47607, subdivision (b).<sup>4/</sup> IIMCA submits that, pursuant to Education Code section 47607, subdivision (b)(4), its academic performance is at least equal to the academic performance of the public schools that the its pupils would otherwise have been required to attend, as well as the academic performance of the District's schools, taking into account the composition of the pupil population that is served at the charter school. (Petition, p. 7.)

The following chart reflects the percentage of students, including the African American and socioeconomically disadvantaged ("SED") pupil subgroups, that meet or exceed standards on the California Assessment of Student Performance and Progress ("CAASPP") assessments for English Language Arts ("ELA") and mathematics, from 2015 through 2018, for IIMCA, Crozier Middle School, Monroe Middle School, Frank D. Parent TK-8 School, and La Tijera TK-8 Charter School.

<b>Academic Performance Percentage of Pupils Meeting or Exceeding Standards California Assessment of Student Performance and Progress Assessments</b>					
<b>School</b>	<b>Assessment</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
IIMCA (6-8) Schoolwide	ELA	17	18	17.06	25.61
	Math	7	5	5.69	8.25
IIMCA (6-8) African American	ELA	17	16	16.31	25.28
	Math	7	6	5.26	6.78
IIMCA (6-8) SED*	ELA	18	18	17.01	25.38
	Math	7	6	4.64	7.65
Crozier (7-8) Schoolwide	ELA	26	26	24.96	23.98
	Math	16	13	12.85	10.38
Crozier (7-8) African American	ELA	21	26	18.71	28.07
	Math	12	12	10	11.84
Crozier (7-8) SED	ELA	27	27	25.44	23.99
	Math	16	14	13.42	10.04
Monroe (7-8) Schoolwide	ELA	29	32	34.61	28.40
	Math	15	16	17.69	14.15
Monroe (7-8) African American	ELA	22	32	30.26	26.34
	Math	10	12	14.57	9.76

<sup>4/</sup> As a preliminary matter, the Petition is not eligible for renewal because, while it indicates that "Data Quest Reports" are attached as exhibits (Petition, p. 229), the Charter School did not in fact submit such reports or any other documentation demonstrating its satisfaction of the criteria specified in Education Code section 47607, subdivision (b). Nonetheless, District staff conducted its analysis based upon the information provided in the Petition in addition to its independent evaluation of publicly-available academic performance data provided by the California Department of Education.

Monroe (7-8) SED	ELA	29	33	35.07	28.66
	Math	16	17	17.94	13.41
Parent (TK-8) Schoolwide	ELA	24	33	31.96	33.25
	Math	9	16	15.38	16.28
Parent (TK-8) African American	ELA	25	33	30.32	31.59
	Math	9	17	15.48	16.11
Parent (TK-8) SED	ELA	22	31	27.82	31.36
	Math	10	18	13.44	15.07
La Tijera (TK-8) Schoolwide	ELA	38	47	46.99	41.06
	Math	16	20	23.22	25.77
La Tijera (TK-8) African American	ELA	36	50	46.82	38.01
	Math	15	20	21.67	20.89
La Tijera (TK-8) SED	ELA	38	47	45.33	39.77
	Math	16	23	21.92	25.65

Based upon an assessment of CAASPP results, on the whole, IIMCA's academic performance is not at least equal to the academic performance of the District schools that the charter school pupils would otherwise have been required to attend (which, according to the Petition, are the nearby campuses of Crozier and Monroe Middle Schools), nor is it at least equal to the academic performance of the other District schools offering the same grade levels as IIMCA (namely, Frank D. Parent TK-8 School and La Tijera TK-8 Charter School).

Over the past four (4) years, IIMCA, without exception, was the lowest-performing school in mathematics both schoolwide and for its African American and socioeconomically disadvantaged pupil subgroups. In fact, IIMCA is the only school with a percentage of pupils meeting or exceeding standards in math that has not exceeded single digits in any of the previous four (4) years. Notably, the percentage of pupils meeting or exceeding standards in math in 2018 (8.25%) is nearly half of that of Monroe Middle School (14.15%) and nearly a third of that of La Tijera (25.77%). In four (4) years, the percentage of pupils meeting or exceeding standards in math has increased only 1.25%, and the Charter School has experienced decreases in both ELA and math during this time frame. Furthermore, subject to limited exceptions, IIMCA was the lowest-performing school in ELA both schoolwide and for its African American and socioeconomically disadvantaged pupil subgroups. IIMCA's lack of academic achievement and growth over time is evident and does not further its mission "to prepare all students to attend and compete at the top 100 colleges and universities in the nation." (Petition, p. 7.) Furthermore, comments made by the public – including by representatives from the local teachers union – at the public hearing regarding IIMCA's deficient academic performance only reaffirms what the academic data shows. Accordingly, the Charter School does not make an adequate showing of pupil academic achievement increases.

The Petition states that "IIMCA's Scale Score growth from 2017 to 2018 in ELA and math was strong." (Petition, p. 8.) However, notwithstanding the fact that the Charter School does not provide the underlying data and the methodologies or means of such measurement, the Scale Score only provides a measurement of purported achievement from 2017 to 2018, and does not take into account IIMCA's academic deficiencies since at least 2015. Moreover, in an ostensible acknowledgment of its inadequate academic performance, IIMCA attributes the purported growth to a recent change in administration and teaching staff – however, the Petition does not adequately describe the nature of the change and whether the purported growth is solely attributable to the change or any other factor. In any event, the recent change in staffing still does not overcome the fact that, as

described above, IIMCA's academic performance is not at least equal to the academic performance of the District schools even in 2018.

The Petition also submits that its eighth (8th) grade students in 2018 experienced academic growth during their time at IIMCA. (Petition, p. 11.) However, the data provided in the Petition does not support its assertion. For example, as the Charter School acknowledges in what it describes as a "math setback," those students experienced a decline in math performance in 2018. (Petition, p. 10.)

Separate from the District's consideration of the numerically significant pupil subgroups above, other factors relating to IIMCA's pupil composition do not justify the differential in its academic achievement compared to the District's schools. According to California School Dashboard results, IIMCA's pupil suspension rates are comparable to those of the above comparison schools. With the exception of Frank D. Parent TK-8 School, IIMCA's chronic absenteeism rates are also comparable to the comparison schools. While IIMCA enrolls a higher percentage of African American students, as discussed above, the academic achievement of the African American subgroup of the comparison schools consistently exceed that of IIMCA.

The Charter School's plan for improving academic success is also inadequate. Although the Petition states that "IIMCA will continue to strengthen student academic outcomes in the next charter term," IIMCA's promises to provide "individualized instruction and intervention," establish a "data-driven culture," and implement the Positive Behavior Intervention System ("PBIS"), are generalized, summarized by narrative, do not otherwise describe strategies that are not already utilized, and do not provide a specific plan for improvement. (Petition, p. 14.) While the Charter School's proposed Mental Wellness Initiative is laudable, it too is described in generalized terms and the Petition does not set forth a specific plan for its implementation or describe with adequate specificity how it will improve academic achievement. Furthermore, assurances made by Petitioners during the public hearing regarding their "overhaul" of the academic program were unconvincing and insufficient to persuade District staff that consistent future academic improvement and success is likely. In sum, the Petition does not provide adequate plans for improvement to ensure the likelihood of future academic success.

Notably, California Charter Schools Association ("CCSA") publicly called for and itself recommended to the District to not renew IIMCA's charter based primarily upon its academic deficiencies. Specifically, on or about November 14, 2018, Jason J. Rudolph, CCSA Director of Regional Advocacy, emailed the District and expressed, "[u]nfortunately, publicly available data indicates that IIMCA has been chronically underperforming. Based on CCSA's framework, IIMCA has been in the bottom 5th percentile of performance in each of the last three years; has shown little growth in raising students' academic proficiency over time; and consistently underperforms schools with similar demographics of students across the state. Given the school's academic performance, CCSA is calling on Inglewood Unified School District to **not renew** the charter petition for IIMCA when the school seeks renewal this year." (Emphasis original.) Attached hereto as Exhibit A is a true and correct copy of the Mr. Joseph's email to the District re ICEF Inglewood Middle Charter Academy and CCSA Public Call for Non-Renewal, dated November 14, 2018.

Based upon the foregoing, District staff concludes that IIMCA cannot demonstrate that its "academic performance...is at least equal to the academic performance of the public schools that the charter school pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the

charter school.” Accordingly, IIMCA does not meet the eligibility criteria to be renewed for another term.

**B. IIMCA Does Not Provide A Reasonably Comprehensive Description of New Charter Requirements Enacted After Its Charter Was Originally Granted Or Last Renewed (Ed. Code, § 47607(a)(2).)**

A renewal petition must include “a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.” (Ed. Code, § 47607(a)(2).)

The Petition does not incorporate or provide a reasonably comprehensive description such new charter requirements. For example, Assembly Bill 1747, which was passed in September 2018 and became effective on January 1, 2019, requires charter petitions to include the development of comprehensive school safety plans, procedures for conducting tactical responses to criminal incidents, and a provision indicating that the school safety plan must be reviewed and updated by March 1 of every year by the charter school. (Ed. Code, § 47605(b)(5)(F)(ii) and (iii).) Assembly Bill 2601, which was passed in September 2018 and became effective on January 1, 2019, requires charter schools, beginning with the 2019-20 school year, to ensure all of their students in grades 7 through 12 receive comprehensive sexual health education and human immunodeficiency virus (“HIV”) prevention education. These laws are significant as they directly impact the health and safety of students, and the Petition neither acknowledges nor incorporates these new requirements.

Additionally, on or about December 26, 2018, the California Office of the Attorney General (“OAG”) published Opinion No. 11-201, regarding a charter school’s obligation to comply with the state’s various public integrity laws. Specifically, the OAG concluded that charter schools, and their governing boards, must comply with the Ralph M. Brown Act, the California Public Records Act, Government Code section 1090, and the Political Reform Act of 1974. The Petition does not acknowledge the OAG’s opinion. While the Petition indicates that it will comply with the Brown Act and the California Public Records Act, and includes a Conflict of Interest Code, the Petition itself neither indicates nor ensures that the Charter School will comply with Government Code section 1090 and the Political Reform Act of 1974.

**C. The Charter School Is Demonstrably Unlikely to Successfully Implement the Program (Ed. Code, § 47605(b)(2).)**

Education Code section 47605 requires the Charter School to show it is demonstrably likely to successfully implement the program set forth in the Petition. (Ed. Code, § 47605(b)(2).) In determining whether the Charter School is demonstrably likely to successfully implement the program, the Board “shall consider the past performance of the school’s academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement if any. (5 C.C.R. § 11966.4(b).)

Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition for the following reasons:

1. Failure to Meet Eligibility Criteria

As set forth under Section IV.A, above, the Petition's failure to meet the requisite eligibility criteria for renewal and to demonstrate adequate academic achievement supports the finding that IIMCA is demonstrably unlikely to successfully implement its program.

Furthermore, IIMCA's Dashboard results reflect an alarmingly high chronic absenteeism rate. Specifically, in 2018, approximately 25% of the Charter School's pupils were categorized as chronically absent, which is nearly three (3) times the state average of 9%. The chronic absenteeism of nearly a quarter of the Charter School's students not only raises concerns about its ability to implement effective means of correction and discipline, but also its overall ability to operate a successful program. Furthermore, the Petition does not reflect any specific plan to address or improve its chronic absenteeism problem. The Petition is therefore not consistent with sound educational practice and not likely to be successfully implemented.

2. Failure to Comprehensively Describe the Required Elements

As set forth above under Section IV.B, and also further detailed below, the Petition's failure to comprehensively describe the required elements of a Charter Petition, in addition to reasonably describing new charter school requirements enacted into law since the charter was originally granted or last renewed, further supports the finding that the program is incomplete and does not pass pedagogical or legal muster. The program is therefore not consistent with sound educational practice and therefore not likely to be successfully implemented.

**D. The Petition Fails To Set Forth Reasonably Comprehensive Descriptions of Charter Elements (Ed. Code, § 47605(b)(5).)**

Education Code section 47605, subdivisions (b)(5)(A)-(O) and (b)(6) require a charter petition to include "reasonably comprehensive" descriptions of numerous elements of the proposed charter school. The Regulations require the "reasonably comprehensive" descriptions required by Education Code section 47605, subdivision (b)(5) to include, but not be limited to, information that:

- Is substantive and is not, for example, a listing of topics with little elaboration.
- For elements that have multiple aspects, addresses essentially all aspects of the elements, not just selected aspects.
- Is specific to the charter petition being proposed, not to charter schools or charter petitions generally.
- Describes, as applicable among the different elements, how the charter school will:
  - Improve pupil learning.
  - Increase learning opportunities for its pupils, particularly pupils who have been identified as academically low achieving.
  - Provide parents, guardians, and pupils with expanded educational opportunities.
  - Hold itself accountable for measurable, performance-based pupil outcomes.



- Provide vigorous competition with other public school options available to parents, guardians, and students.

(5 C.C.R. § 11967.5.1(g).) In addition, a charter renewal petition must provide a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law since the charter was granted or last renewed. (Ed. Code, § 47607(a)(2).)

### **Element 1 - Educational Program**

The Education Code and Regulations provide various factors for considering whether a charter petition provides a reasonably comprehensive description of the educational program of the school, including, but not limited to, a description of the following: the charter school's target student population, including, at a minimum, grade levels; approximate numbers of pupils, and specific educational interests, backgrounds, or challenges; the charter school's mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners' definition of an educated person in the 21st century; belief of how learning best occurs; goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners; the instructional approach of the charter school; the basic learning environment or environments; the curriculum and teaching methods that will enable the school's students to meet state standards; how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels; how the charter school will meet the needs of student with disabilities, English learners, students achieving substantially above or below grade level expectations; and the charter school's special education plan, to include the means by which the charter school will comply with the provisions of Education Code section 47641; the process to be used to identify students who may qualify for special education programs and services; how the school will provide or access special education programs and services; the school's understanding of its responsibilities under law for special education pupils; and how the school intends to meet those responsibilities. (Ed. Code, § 47605(b)(5)(A); 5 C.C.R. § 11967.5.1(f)(1).)

The Petition does not contain a sufficient description of the Charter School's educational program based on the following findings:

#### **1. High Achieving and Low Achieving Students**

The Petition does not reflect a reasonably comprehensive plan that offers meaningful differentiated instruction between low- and high-achieving students. For high-achieving students, the Petition vaguely states that, "[t]eachers differentiate in the forms of acceleration, depth, complexity, and novelty and will differentiate the process, content, or product to meet the needs of high achieving students." (Petition, p. 78.) The strategies to be utilized to differentiate instruction are not specific – for example, such strategies include "[u]tilizing higher levels of questioning and thinking skills; [e]nsuring there is a wide variety of materials at different skill levels that engage a wide variety of interests; and "[e]nsuring that the curriculum is sufficiently challenging." (*Id.*)

The plan for serving low-achieving students is equally generalized. The Petition states that "[t]eachers participate in grade level and individual data talks to monitor students' progress and determine additional areas of support for struggling students." (Petition, p. 79.) The Petition suggests that "data analysis" will inform teachers in developing appropriate instructional plans for low-achieving students – however, the use of data and formative assessments to support student achievement applies to, and is fundamental in supporting,

all pupils, and is not a unique strategy for assisting low-achieving students. Furthermore, the Petition states that low-achieving students will be served through the Charter School's after-school program – however, the Petition does not provide any description regarding the after-school program, or the qualifications of the employees who operate it and that reflect their ability to effectively instruct low-achieving students.

The Petition's plan for low- and high-achieving students is general and vague and lacks specificity, which is concerning in light of the Charter School's inadequate academic performance. The Petition does not reflect how these special student populations will be treated differently than the general population, or to what degree the curriculum will be adjusted to meet the needs of these distinct student groups.

## **2. Sexual Health Education**

As discussed above, Assembly Bill 2601 requires charter schools, beginning with the 2019-20 school year, to ensure all of their students in grades 7 through 12 receive comprehensive sexual health education and HIV prevention education. The Petition does not reference or incorporate these requirements nor does it provide a reasonably comprehensive description of its proposed sexual health education and HIV prevention education curriculum.

## **Element 4 – Governance Structure**

The Education Code and Regulations provide for a charter petition to identify the governance structure including, at a minimum, evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable, the organizational and technical designs to reflect a seriousness of purposes to ensure that the school will become and remain a viable enterprise, there will be active and effective representation of interested parties, and the educational program will be successful. (Ed. Code, § 47605(b)(5)(D); 5 C.C.R. § 11967.5.1(f)(4).) The Regulations also require evidence that parental involvement is encouraged in various ways.

The Petition does not contain a sufficient description of the Charter School's governance structure based on the following findings:

### **1. Parent Participation**

The Parent-Student-School Compact, a copy of which was enclosed with the Petition, states: "As a Parent/Guardian in support of the learning process at ICEF Public Schools, I will strive daily to: Be an active participant in my child's school by volunteering when possible, visiting my child's classroom, attending Parent-Teacher Conferences, Parent Information Meetings, (PIM), and other school events."

While the Petition recognizes that IIMCA shall not require parents to volunteer for the Charter School, no such acknowledgment is reflected in the compact itself, which is important because parents must sign the compact and are unlikely to review the Petition. Accordingly, the compact contravenes the requirement that public education be provided free of charge. Specifically, Education Code section 49011 prohibits all public schools, including charter schools, from providing privileges relating to educational activities in exchange for services from a pupil's parents or guardians, removing privileges relating to educational activities, or otherwise discriminating against a pupil if the pupil's parents or guardians do not provide services to the school. (Ed. Code, § 49011(b); CDE Fiscal Management Advisory 17-01, July 28, 2017.) Furthermore, Education Code section 47605, subdivision (n) requires charter schools to notify parents of pupils that parental involvement

is not a requirement for acceptance to, or continued enrollment at, the charter school. The compact does not include any such notification, which may serve to discourage the enrollment of children of parents who cannot afford the time or resources to volunteer.

## 2. Government Code section 1090

The Petition is silent on IIMCA's compliance with Government Code section 1090, which is a critical part of any public school accountability and transparency plan to ensure that public funds are protected from self-dealing in contract transactions and which, as recognized by OAG Opinion No. 11-201 (December 26, 2018), applies to charter schools.

### **Element 5 – Employee Qualifications**

The Education Code requires the Petition to describe the qualifications to be met by individuals employed by the Charter School. (Ed. Code, § 47605(b)(5)(E).) The Regulations provide that the qualifications should at a minimum, identify general qualifications for the various categories of employees; ensure the health and safety of the school's faculty, staff, and students, and the academic success of the students; identify the key positions in each category and specify the additional qualifications expected for those positions; and specify applicable legal requirements will be met, including but not limited to credentials as necessary. (5 C.C.R. § 11967.5(f)(5).

The Petition fails to reasonably comprehensively describe this element, as follows:

The duties of the School Operations Manager ("SOM") include managing the day-to-day activities on the school campus and supervising, training evaluating, and disciplining classified staff. (Petition, p. 169.) Duties also include overseeing budget reviews, expense control activities, and banking and money handling procedures; ensuring school compliance with federal, state, authorizer, auditor, governmental, and any other required reporting agencies, and overseeing all school site operation activities. Despite these important duties, many of which may expose the Charter School to legal and fiscal liability if inadequately performed, the Charter School only requires the SOM to possess a high school diploma and other rudimentary administrative and clerical skills. (Petition, p. 170.)

### **Element 6 – Health and Safety Procedures**

The Education Code requires the Petition to identify the procedures that the Charter School will follow to ensure the health and safety of students and staff. (Ed. Code, § 47605(b)(5)(F).) The Regulations provide the procedures should, at a minimum, require that each employee of the school provide a criminal records summary as described in Education Code section 44237, include the examination of faculty and staff for tuberculosis as described in Education Code section 49406, require immunization of students as a condition of school attendance to the same extent as would apply if the students attended a non-charter public school, and provide for the screening of students' vision and hearing and the screening of students for scoliosis to the same extent as would be required if the students attended a non-charter public school. (5 C.C.R. § 11967.5(f)(6).)

The Petition does not contain sufficient description of the Charter School's health and safety procedures based on the following findings:

1. Sudden Cardiac Arrest

Although the Petition includes an athletics program, it does not provide for the adoption of policies and procedures to protect student athletes and to require sudden cardiac arrest training for coaches of athletic activities pursuant to Education Code section 33479 et seq.

2. Comprehensive Safety Plan

As discussed above, Assembly Bill 1747 requires charter petitions to include the development of comprehensive school safety plans, procedures for conducting tactical responses to criminal incidents, and a provision indicating that the school safety plan must be reviewed and updated by March 1 of every year by the charter school. (Ed. Code, § 47605(b)(5)(F)(ii) and (iii).) The Petition does not describe these important procedures and provisions.

**Element 8 – Admissions Requirements**

The Education Code and Regulations require the Petition to identify admission requirements that are in compliance with applicable law. (Ed. Code, § 47605(b)(5)(H); 5 C.C.R. § 11967.5.1(f)(8).)

The Petition does not contain sufficient description of the Charter School's admission requirements based on the following findings:

The Petition states that "IIMCA seeks to serve a population comprised in part of students who are socioeconomically disadvantaged." (Petition, p. 79.) However, the Charter School's admissions policies and procedures do not provide any admissions preferences for students identifying as socioeconomically disadvantaged in the public random lottery. (Petition, p. 182.) Admissions preferences are only provided to pupils currently attending the Charter School and their siblings, and pupils who reside within the District's boundaries, without consideration or preference to their socioeconomic status or eligibility to participate in the free/reduced price lunch program.

**Element 10 – Suspension and Expulsion Procedures**

The Education Code and Regulations require the Petition to describe the procedures by which students can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason. (Ed. Code, § 47605(b)(5)(J); 5 C.C.R. § 11967.5.1(f)(10).)

The Petition does not contain a sufficient description of the procedures by which students can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason based on the following findings:

The Petition provides a lengthy discussion of student suspension and expulsion procedures, designed in part to track the requirements of Education Code section 48900 et seq.; however, it improperly reserves to the Charter School the ability to amend the policies and procedures without first requesting a material revision of the charter. Specifically, the Petition states, "These procedures may be amended without the need to materially revise the charter, subject to the prior written approval of the IIMCA's authorizer, so long as the amendments comport with legal requirements." (Petition, p. 189.) Such changes are

material to the operation of the charter and therefore cannot be made outside the material revision process.

## **V. CONCLUSION**

District staff considered increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in its analysis. For the reasons stated above, the Petition, as submitted, fails to demonstrate that IIMCA meets eligibility criteria for renewal, fails to provide a reasonably comprehensive description of several essential charter elements, including new charter requirements enacted into law, and indicates that the Charter School is demonstrably unlikely to successfully implement the program presented in the Petition. The Charter School's plan for academic improvement is inadequate and does not sufficiently describe how the Charter School will ensure future academic success. Accordingly, it is recommended that the Petition be denied. Should the State Administrator take action to deny the Petition, such action should include adoption of this Staff Report as the written factual findings in support of the denial of the Petition.

**From:** Jason Rudolph [<mailto:jrudolph@ccsa.org>]  
**Sent:** Wednesday, November 14, 2018 7:33 AM  
**To:** Melendez, Thelma <[thelma.melendez@inglewood.k12.ca.us](mailto:thelma.melendez@inglewood.k12.ca.us)>; Sanderlin, Jacqueline <[jsanderlin@inglewood.k12.ca.us](mailto:jsanderlin@inglewood.k12.ca.us)>; Richardson-McGhee, Carliss <[cmcghee@inglewood.k12.ca.us](mailto:cmcghee@inglewood.k12.ca.us)>; Evans, Margaret <[mevans@inglewood.k12.ca.us](mailto:mevans@inglewood.k12.ca.us)>; dfaulk@inglewood.k12.ca.us; Ngaue, Melody <[mngaue@inglewood.k12.ca.us](mailto:mngaue@inglewood.k12.ca.us)>  
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**Subject:** ICEF Inglewood Middle Charter Academy and CCSA Public Call for Non-Renewal

Dear Dr. Melendez de Santa Ana, Dr. Sanderlin, and Inglewood Unified School District Board of Education Members:

I hope this message finds you all well.

On behalf of the California Charter Schools Association (CCSA), I am reaching out regarding our ongoing academic accountability work, and the academic performance and renewal of ICEF Inglewood Middle Charter Academy (IIMCA), a charter school authorized by Inglewood Unified School District and eligible for renewal this school year.

As you might know, CCSA has developed an academic accountability framework that guides our advocacy for renewing charters. As charter schools come up for renewal every five years, this framework allows us to support high-performing schools and advocate for the non-renewal of chronically underperforming schools.

Unfortunately, publicly available data indicates that IIMCA has been chronically underperforming. Based on CCSA's framework, IIMCA has been in the bottom 5<sup>th</sup> percentile of performance in each of the last three years; has shown little growth in raising students' academic proficiency over time; and consistently underperforms schools with similar demographics of students across the state. Given the school's academic performance, CCSA is calling on Inglewood Unified School District to **not renew** the charter petition for IICMA when the school seeks renewal this year.

Later today, November 14, CCSA will issue a press release as part of our Public Call for Non-Renewal (PCNR) that publicly calls for the non-renewal of IICMA and other chronically underperforming schools across the state. For your reference, more information on the PCNR process is available [here](#). CCSA would be happy to share detailed data about IIMCA's performance and our academic framework and are available to schedule a meeting or conference call with you, board members, and/or the state administrator, and CCSA's School Performance, Accountability, and Research team, which leads the work for all of CCSA's academic accountability efforts. **Can we please schedule time to connect to this end?**

We, like Inglewood Unified School District, are firmly committed to the belief that we must continue to hold charter schools accountable for the academic performance of the students entrusted to them. We hope students and families can count on your support to uphold high standards of accountability focused on student academic outcomes.

If I can answer any questions at all, please don't hesitate to reach me directly at [\(213\) 248-1398](tel:213-248-1398) or via email. I look forward to connecting with you regarding this important matter.

Jason J. Rudolph  
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*Registration for the 26th Annual California Charter Schools Conference is open! [Register today and save!](#) The conference will be held March 11-14, 2019 at the Sacramento Convention Center. We look forward to seeing you there!*